

Maintenance Performance and Payment Bond (Surety)

MAINTENANCE PERFORMANCE AND PAYMENT BOND

(SURETY)

Revised 12/07/99

MAINTENANCE PERFORMANCE AND PAYMENT BOND

(SURETY)

KNOW ALL MEN BY THESE PRESENTS, that _____ as principal, and _____ a corporation organized under the Laws of the State of _____, with its home office in the City of _____ as Surety, are held and firmly bound unto Miami-Dade County, Florida, acting by and through the **BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, and their successors in office, in the sum of (\$_____) lawful money of the United States of America, for which payment well and truly to be made, the Principal and Surety respectively bind themselves, their successors, heirs and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this ____ day of _____, 20__.

WHEREAS the Principal and Dade County have entered into a written Contract for the construction complete of _____ as evidenced by Contract, Plans and Specifications made a part thereof, entered into between the Principal and Miami-Dade County on the ____ day of _____, 20 __, including the posting of a Maintenance Performance and Payment Bond.

To pay promptly all persons supplying the Contractor labor, materials and supplies, used directly or indirectly by the Contractor, or Subcontractor, in the prosecution of the work provided for in said agreement. The provisions of Florida Statutes 255.05 are incorporated herein (**See Article 12, General Specifications "Contract Security"**).

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The areas and nature of the work covered by the Maintenance Performance and Payment Bond shall be as described in detail in the Special Provisions of these Contract Documents.

NOW THEREFORE, the conditions of the obligation are such, that if the Principal shall in all respects comply with the maintenance terms and conditions of these Contract Documents, for the period of time therein specified, and shall in every respect fulfill his obligations thereunder, this obligation shall be void; otherwise, the same shall remain in full force and virtue. The Principal and the Surety jointly and severally agree that said County shall have the right to perform maintenance work, or pursuant to public advertisement and receipt and acceptance of bids, cause the said maintenance work to be performed in case the Principal should fail or refuse so to do in accordance with the maintenance terms of said Contract, and in the event that said County should exercise and give effect to such rights the Principal and the Surety shall be jointly and severally liable hereunder to pay to, and indemnify the County upon completion of such maintenance, the final total cost to the County thereof, including, but not limited to, engineering, legal and contingent costs and expenses, together with any damages, either direct or consequential, which the County may sustain on account of the failure of the Principal to carry out and execute all the maintenance provisions of said Contract.

In the event suit is instituted against the Principal and Surety upon this bond in which the Plaintiff shall be successful, there shall be assessed therein against the Principal and Surety herein, in favor of the Plaintiff, therein, reasonable Counsel fees which the Principal and Surety hereby expressly agree to pay as part of the cost and expense of such suit.

IN WITNESS WHEREOF the said Principal and said Surety hereto have caused these presents to be executed this ____ day of _____, 20 __.

WHEN THE PRINCIPAL IS AN INDIVIDUAL:

Signed, sealed and delivered in the presence of:

_____	_____ (SEAL)
(Witness)	(Signature of Individual)
_____	_____
(Witness)	(Printed Name of Individual)

WHEN THE PRINCIPAL IS A SOLE PROPRIETORSHIP OR OPERATES UNDER A TRADE NAME:

Signed, sealed and delivered in the presence of:

_____	_____
(Witness)	(Name of Firm)
_____	_____ (SEAL)
(Witness)	(Signature of Individual)

WHEN THE PRINCIPAL IS A PARTNERSHIP:

Signed, sealed and delivered in the presence of:

_____	_____
(Witness)	(Name of Firm) A Partnership
_____	By:
(Witness)	(Partner)

WHEN THE PRINCIPAL IS A CORPORATION

ATTEST:

(Correct Name of Corporation)

_____ Secretary _____ By:

_____ President
(Corporate Seal)

(Name of Surety)

Countersigned
Florida Resident Agent

(Address of Surety)

_____ By:
(Address of Agent)

Telephone Number

NOTE: If both principal and surety are corporations, the respective corporate seals should be affixed and attached.

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WHEN THE PRINCIPAL IS A JOINT VENTURE:

ATTEST:

(Correct Name of Corporation)

_____ Secretary _____ By:

_____ President
as Joint Ventures (Principal)
(Corporate Seal)

ATTEST:

_____ Secretary _____ By:

_____ President
as Joint Ventures (Principal)
(Corporate Seal)

(Name of Surety)

Countersigned
Florida Resident Agent

(Address of Surety)

_____ By:
(Address of Agent)

Telephone Number

NOTE: If both principal and surety are corporations, the respective corporate seals should be affixed and attached:

(Correct Name of Corporation - Joint Venture)

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____, certify that I am the secretary of the corporation named as principal in the within bond; that _____, who signed the said bond on behalf of the principal, was then _____ of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed and attested for and in behalf of said corporation by authority of its governing body.

(Corporate Seal)

(Correct Name of Corporation - Joint Venture)

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____, certify that I am the secretary of the corporation named as principal in the within bond; that _____, who signed the said bond on behalf of the principal, was then _____ of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed and attested for and in behalf of said corporation by authority of its governing body.

(Corporate Seal)

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____, certify that I am the secretary of the corporation named as principal in the within bond; that

_____ who signed the said bond on behalf of the

principal, was then _____ of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed and attested for and in behalf of said corporation by authority of its governing body.

By: _____ Secretary
(Corporate Seal)

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

Before me, a Notary Public, duly commissioned, qualified and acting, personally appeared:

to me well known, who being by me first duly sworn upon oath says that he is the attorney-in-fact for the

_____ and that he has been authorized by

_____ to execute the foregoing bond on behalf of the Contractor named therein in favor of Miami-Dade County, Florida.

Subscribed and sworn to before me this ____ day of _____, A.D. 20

Notary Public, State of Florida at Large

My Commission Expires